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**Federal Communications Commission**

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
WTMR License Limited Partnership	)	File No.: EB-FIELDNER-13-00012406
	)	
Licensee of AM Station WTMR	)	NOV No.: V201432400007
	)	
Camden, New Jersey	)	Facility ID: 24658
	)	

**NOTICE OF VIOLATION**

**Released: December 20, 2013**

By the District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)<sup>1</sup> to WTMR License Limited Partnership (WTMR LLP), licensee of AM Station WTMR in Camden, New Jersey. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.<sup>2</sup>

2. On November 26, 2013, an agent of the Enforcement Bureau's Philadelphia Office inspected AM Station WTMR located at 2775 Mount Ephraim Road, Camden, New Jersey and observed the following violations:

- a. 47 C.F.R. § 73.1590(a)(6): "The licensee of each AM, FM, TV and Class A TV stations, except licensees of Class D non-commercial educational FM stations authorized to operate with 10 watts or less output power, must make equipment performance measurements for each main transmitter annually, for AM stations, with not more than 14 months between measurements." According to the station records inspected by the agent, and subsequently confirmed by station personnel, WTMR LLP had not done the required equipment performance measurements since August 23, 2012.
- b. 47 C.F.R. § 11.35(a): "EAS Participants must determine the cause of any failure to receive the required tests or activations specified in §11.61(a)(1) and (2). Appropriate entries indicating reasons why any tests were not received must be made in the broadcast station log as specified in §§73.1820

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

and 73.1840 of this chapter for all broadcast streams ....” At the time of the inspection, there were no entries in the WTMR station logs indicating receipt and retransmission of the required monthly tests during the month of November 2013. In addition, there were no entries in the WTMR station logs indicating the reason why the RMT’s were not received and retransmitted.<sup>3</sup>

- c. 47 C.F.R. § 11.52(d)(1): “With respect to monitoring for EAS messages that are formatted in accordance with the EAS Protocol, EAS Participants must monitor two EAS sources. The monitoring assignments of each broadcast station and cable system and wireless cable system are specified in the State EAS Plan and FCC Mapbook. They are developed in accordance with FCC monitoring priorities.” At the time of the inspection, Station WTMR was monitoring only one EAS assignment.<sup>4</sup>

3. As the nation’s emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its regulatees. We also must investigate violations of other rules that apply to broadcast licensees.

4. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>5</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, WTMR LLP must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>6</sup>

5. In accordance with Section 1.16 of the Rules, we direct WTMR LLP to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of WTMR LLP with personal knowledge of the representations provided in WTMR LLP’s response, verifying the truth and accuracy of the information therein,<sup>7</sup> and confirming that all of

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<sup>3</sup> Station WTMR was monitoring FM Station WKVP on 106.9 MHz as one of its EAS monitoring assignments. Agents confirmed with Educational Media Foundation, the licensee of FM Station WKVP, that it transmitted Required Monthly Tests on November 21, 2013 at 10:59 a.m. and November 19, 2013 at 11:29 a.m.

<sup>4</sup> Station WTMR had equipment to monitor New Jersey Public Broadcasting Authority’s Digital Television Station WNJS on Channel 23.1 but the equipment indicated a loss of signal.

<sup>5</sup> 47 U.S.C. § 403.

<sup>6</sup> 47 C.F.R. § 1.89(c).

<sup>7</sup> Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced,

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the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>8</sup>

6. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Philadelphia Office  
One Oxford Valley Building, Suite 404  
2300 East Lincoln Highway  
Langhorne, Pennsylvania 19047

7. This Notice shall be sent to WTMR License Limited Partnership at its address of record.

8. The Privacy Act of 1974<sup>9</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

David C. Dombrowski  
District Director  
Philadelphia Office  
Northeast Region  
Enforcement Bureau

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established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

<sup>8</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

<sup>9</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).